



80-202

08/781,579 01/09/97 GARDINER B GONR9003HED/

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SUITE 400
SAN FRANCISCO CA 94111-4156

NOT ASSIGNED

DATE MAILED:

03/19/97

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items 1 and 3-6 only of \$ 130 - for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ large entity ☐ small entity (verified statement filed), is \$ 1170 —.

- ☐ ☒ The statutory basic filing fee is:

☒ missing.
☐ insufficient.

Applicant must submit \$ 710 to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

- ☒ 2. Additional claim fees of \$ 270, including any multiple dependent claim fees, are required. Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. The oath or declaration:

- ☐ is missing.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1. 63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.
- ☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying the application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$_____ processing fee is required since your check was returned without payment (37 CFR 121(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment

- ☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

- ☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the response.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

06/17/1997	PVALENTI 00000001	08/15/97
D1 FC:201		385.00 DP
D2 FC:205		65.00 DP
D3 FC:203		55.00 DP
		40.00 DP
		applica
		1(m)).



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

PATENT APPLICATION

Inventors: Barry N. Gardiner
Paul T. McDonald
Richard D. Phipps

SC/Serial No.: 08/781,579

Filed: January 9, 1997

Title: SUTURED STAPLE SURGICAL FASTENERS,
INSTRUMENTS AND METHODS FOR
MINIMALLY INVASIVE VASCULAR
AND ENDOSCOPIC SURGERY

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on May 16, 1997.

Brian I. Marcus, Reg. No. 34,511
Signature Date: May 16, 1997

(Attorney Signature)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted, dated March 19, 1997, enclosed are the following documents in connection with the above-identified application:

X Copy of Notice to File Missing Parts -- Filing Date Granted

 Declaration for Patent Application

 Assignment and Assignment Recordation Form Cover Sheet

X Power of Attorney

X Verified statement of small entity status

Patent Application Filing Fee

The patent application filing fee (if applicable) is calculated as shown below:

No. Filed	No. Extra	Rate Small Entity/ Large Entity	
Basic Fee		\$385.00 \$770.00	= \$385.00
Total Claims <u>25</u> **	- 20 = <u>5</u> *	\$ 11.00 \$ 22.00	= \$55.00
Independent Claims <u>5</u> **	- 3 = <u>2</u> *	\$ 40.00 \$ 80.00	= \$80.00
First Presentation of Multiple Dependent Claim(s) _____		\$130.00 \$260.00	= \$

Total PATENT APPLICATION FILING FEE: \$520.00

* If the difference is less than zero, enter "0".

** Count claims after any amendment.

Total Fee

The Total Fee associated with this communication has been calculated as shown below:

<u>X</u>	Patent application filing fee	\$520.00
<u>—</u>	Net fee for extension of time	\$
<u>—</u>	Assignment recording fee (\$40.00)	\$
<u>X</u>	Surcharge under 37 C.F.R. §1.16(e) for late filing of oath or declaration:	
<u>—</u>	Large Entity \$130.00	\$
<u>X</u>	Small Entity \$ 65.00	\$65.00
TOTAL FEE DUE:		<u>\$585.00</u>

Method of Payment of Fees

- X A check in the amount of the TOTAL FEE DUE is enclosed.
- X The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: May 16, 1997

By: 

Brian I. Marcus
Reg. No. 34,511

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